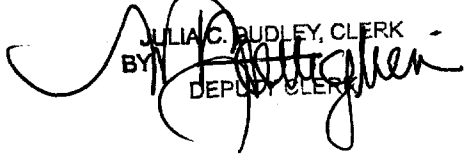


CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

IN THE
UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION
APRIL 2012 SESSION

APR 25 2012

JULIA C. BUDLEY, CLERK
BY  DEPUTY CLERK

UNITED STATES OF AMERICA : Criminal No.: 5:11CR00045
: :
v. : :
: :
JOHN STUART DOWELL : 18 U.S.C. §§ 2251(a), 2251(e)
: 2252(a)(1), and 2252(b)(1)

SUPERSEDING INDICTMENT

COUNTS ONE THROUGH TEN - MINOR GIRL A

Count One

The Grand Jury charges:

That on or about November 30, 2010, in the Western Judicial District of Virginia and elsewhere, the defendant, JOHN STUART DOWELL, did employ, use, persuade, induce, entice, or coerce Minor Girl A, who was then approximately three years old, to engage in sexually explicit conduct, namely, the lascivious exhibition of the minor's genitals or pubic area, for the purpose of producing one or more visual depiction(s) of such conduct, namely, a video(s), knowing or having reason to know that such visual depiction(s) would be transported using any means or facility of interstate or foreign commerce or transported in or affecting interstate or foreign commerce, or which visual depiction(s) were transported using any means or facility of interstate and foreign commerce or were transported in or affecting interstate or foreign commerce, or which visual depiction(s) were produced using materials that had been mailed, shipped, or transported in or affecting interstate or

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foreign commerce by any means, including by computer.

In violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

Count Two

The Grand Jury charges:

That on or about December 9, 2010, in the Western Judicial District of Virginia and elsewhere, the defendant, JOHN STUART DOWELL, did employ, use, persuade, induce, entice, or coerce Minor Girl A, who was then approximately three years old, to engage in sexually explicit conduct, namely, the lascivious exhibition of the minor's genitals or pubic area, for the purpose of producing one or more visual depiction(s) of such conduct, namely, a video(s), knowing or having reason to know that such visual depiction(s) would be transported using any means or facility of interstate or foreign commerce or transported in or affecting interstate or foreign commerce, or which visual depiction(s) were transported using any means or facility of interstate and foreign commerce or were transported in or affecting interstate or foreign commerce, or which visual depiction(s) were produced using materials that had been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer.

In violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

Count Three

The Grand Jury charges:

That on or about December 20, 2010, in the Western Judicial District of Virginia and elsewhere, the defendant, JOHN STUART DOWELL, did employ, use, persuade, induce, entice, or coerce Minor Girl A, who was then approximately three years old, to engage in sexually explicit conduct, namely, the lascivious exhibition of the minor's genitals or pubic area, for the purpose of

producing one of more visual depiction(s) of such conduct, namely, a video(s), knowing or having reason to know that such visual depiction(s) would be transported using any means or facility of interstate or foreign commerce or transported in or affecting interstate or foreign commerce, or which visual depiction(s) were transported using any means or facility of interstate and foreign commerce or were transported in or affecting interstate or foreign commerce, or which visual depiction(s) were produced using materials that had been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer.

In violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

Count Four

The Grand Jury charges:

That on or about January 3, 2011, in the Western Judicial District of Virginia and elsewhere, the defendant, JOHN STUART DOWELL, did employ, use, persuade, induce, entice, or coerce Minor Girl A, who was then approximately three years old, to engage in sexually explicit conduct, namely, the lascivious exhibition of the minor's genitals or pubic area and the defendant touching Minor Girl A's genital area, for the purpose of producing one of more visual depiction(s) of such conduct, namely, a video(s), knowing or having reason to know that such visual depiction(s) would be transported using any means or facility of interstate or foreign commerce or transported in or affecting interstate or foreign commerce, or which visual depiction(s) were transported using any means or facility of interstate and foreign commerce or were transported in or affecting interstate or foreign commerce, or which visual depiction(s) were produced using materials that had been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer.

In violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

Count Five

The Grand Jury charges:

That on or about January 7, 2011, in the Western Judicial District of Virginia and elsewhere, the defendant, JOHN STUART DOWELL, did employ, use, persuade, induce, entice, or coerce Minor Girl A, who was then approximately three years old, to engage in sexually explicit conduct, namely, the lascivious exhibition of the minor's genitals or pubic area, for the purpose of producing one or more visual depiction(s) of such conduct, namely, a video(s), knowing or having reason to know that such visual depiction(s) would be transported using any means or facility of interstate or foreign commerce or transported in or affecting interstate or foreign commerce, or which visual depiction(s) were transported using any means or facility of interstate and foreign commerce or were transported in or affecting interstate or foreign commerce, or which visual depiction(s) were produced using materials that had been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer.

In violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

Count Six

The Grand Jury charges:

That on or about January 10, 2011, in the Western Judicial District of Virginia and elsewhere, the defendant, JOHN STUART DOWELL, did employ, use, persuade, induce, entice, or coerce Minor Girl A, who was then approximately three years old, to engage in sexually explicit conduct, namely, the lascivious exhibition of the minor's genitals or pubic area, for the purpose of producing one or more visual depiction(s) of such conduct, namely, a video(s), knowing or having reason to

know that such visual depiction(s) would be transported using any means or facility of interstate or foreign commerce or transported in or affecting interstate or foreign commerce, or which visual depiction(s) were transported using any means or facility of interstate and foreign commerce or were transported in or affecting interstate or foreign commerce, or which visual depiction(s) were produced using materials that had been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer.

In violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

Count Seven

The Grand Jury charges:

That on or about January 10, 2011, in the Western Judicial District of Virginia and elsewhere, the defendant, JOHN STUART DOWELL, did employ, use, persuade, induce, entice, or coerce Minor Girl A, who was then approximately three years old, to engage in sexually explicit conduct, namely, the lascivious exhibition of the minor's genitals or pubic area, for the purpose of producing one of more visual depiction(s) of such conduct, namely, a video(s), knowing or having reason to know that such visual depiction(s) would be transported using any means or facility of interstate or foreign commerce or transported in or affecting interstate or foreign commerce, or which visual depiction(s) were transported using any means or facility of interstate and foreign commerce or were transported in or affecting interstate or foreign commerce, or which visual depiction(s) were produced using materials that had been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer.

In violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

Count Eight

The Grand Jury charges:

That on or about January 14, 2011, in the Western Judicial District of Virginia and elsewhere, the defendant, JOHN STUART DOWELL, did employ, use, persuade, induce, entice, or coerce Minor Girl A, who was then approximately three years old, to engage in sexually explicit conduct, including oral-genital contact and oral-anal contact with the defendant, for the purpose of producing one of more visual depiction(s) of such conduct, namely, a video(s), knowing or having reason to know that such visual depiction(s) would be transported using any means or facility of interstate or foreign commerce or transported in or affecting interstate or foreign commerce, or which visual depiction(s) were transported using any means or facility of interstate and foreign commerce or were transported in or affecting interstate or foreign commerce, or which visual depiction(s) were produced using materials that had been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer.

In violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

Count Nine

The Grand Jury charges:

That on or about January 25, 2011, in the Western Judicial District of Virginia and elsewhere, the defendant, JOHN STUART DOWELL, did employ, use, persuade, induce, entice, or coerce Minor Girl A, who was then approximately three years old, to engage in sexually explicit conduct, including oral-genital contact and oral-anal contact with the defendant; touching of Minor Girl A's genital area by the defendant; and persuading Minor Girl A to touch the defendant's penis during which time the defendant touches and strokes his penis, for the purpose of producing one of more

visual depiction(s) of such conduct, namely, a video(s), knowing or having reason to know that such visual depiction(s) would be transported using any means or facility of interstate or foreign commerce or transported in or affecting interstate or foreign commerce, or which visual depiction(s) were transported using any means or facility of interstate and foreign commerce or were transported in or affecting interstate or foreign commerce, or which visual depiction(s) were produced using materials that had been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer.

In violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

Count Ten

The Grand Jury charges:

That on or about January 27, 2011, in the Western Judicial District of Virginia and elsewhere, the defendant, JOHN STUART DOWELL, did employ, use, persuade, induce, entice, or coerce Minor Girl A, who was then approximately three years old, to engage in sexually explicit conduct, namely, the lascivious exhibition of the minor's genitals or pubic area, for the purpose of producing one of more visual depiction(s) of such conduct, namely, a video(s), knowing or having reason to know that such visual depiction(s) would be transported using any means or facility of interstate or foreign commerce or transported in or affecting interstate or foreign commerce, or which visual depiction(s) were transported using any means or facility of interstate and foreign commerce or were transported in or affecting interstate or foreign commerce, or which visual depiction(s) were produced using materials that had been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer.

In violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNTS ELEVEN AND TWELVE - MINOR GIRL B

Count Eleven

The Grand Jury charges:

That on or about December 27, 2010, in the Western Judicial District of Virginia and elsewhere, the defendant, JOHN STUART DOWELL, did employ, use, persuade, induce, entice, or coerce Minor Girl B, or did attempt to employ, use, persuade, induce, entice, or coerce Minor Girl B, who was then a prepubescent minor, to engage in sexually explicit conduct, namely, the lascivious exhibition of the minor's genitals or pubic area, for the purpose of producing one or more visual depiction(s) of such conduct, namely, a video(s), knowing or having reason to know that such visual depiction(s) would be transported using any means or facility of interstate or foreign commerce or transported in or affecting interstate or foreign commerce, or which visual depiction(s) were transported using any means or facility of interstate and foreign commerce or were transported in or affecting interstate or foreign commerce, or which visual depiction(s) were produced using materials that had been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer.

In violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

Count Twelve

The Grand Jury charges:

That on or about January 12, 2011, in the Western Judicial District of Virginia and elsewhere, the defendant, JOHN STUART DOWELL, did employ, use, persuade, induce, entice, or coerce Minor Girl B, who was then a prepubescent minor, to engage in sexually explicit conduct, namely, the lascivious exhibition of the minor's genitals or pubic area, for the purpose of producing one of

more visual depiction(s) of such conduct, namely, a video(s), knowing or having reason to know that such visual depiction(s) would be transported using any means or facility of interstate or foreign commerce or transported in or affecting interstate or foreign commerce, or which visual depiction(s) were transported using any means or facility of interstate and foreign commerce or were transported in or affecting interstate or foreign commerce, or which visual depiction(s) were produced using materials that had been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer.

In violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

Count Thirteen

The Grand Jury charges:

That between in or about January 2011 and in or about October 2011, the exact date(s) being unknown to the Grand Jury, in the Western Judicial District of Virginia and elsewhere, the defendant, JOHN STUART DOWELL, did knowingly transport one or more visual depictions using any means or facility of interstate or foreign commerce, or in or affecting interstate or foreign commerce, by any means, including by computer, and the production of such visual depiction(s) involved the use of a minor engaging in sexually explicit conduct and the visual depiction(s) were of such conduct.

In violation of Title 18, United States Code, Sections 2252(a)(1) and 2252(b)(1).

NOTICE OF FORFEITURE

1. Upon conviction of one or more of the felony offenses alleged in this Indictment, the defendant shall forfeit to the United States:

a. any visual depiction described in 18 U.S.C. §§ 2251, 2251A, or 2252,

2252A, 2252B or 2260, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of law, pursuant to 18 U.S.C. § 2253(a)(1).

- b. any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from said violation of law, pursuant to 18 U.S.C. § 2253(a)(2).
- c. any property, real or personal used or intended to be used to commit or to promote the commission of said violation of law, or any property traceable to such property, pursuant to 18 U.S.C. § 2253(a)(3).

4. The property to be forfeited to the United States includes but is not limited to the following property:

a. Money Judgment

An undetermined sum of United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate was obtained directly or indirectly as a result of said offenses or is traceable to such property.

b. Computer and/or Electronic Equipment

- (1) Gateway Laptop, Model MS2274
- (2) Dell Laptop, Serial Number D45YSM1
- (3) Toshiba Satellite Laptop, Serial Number XA626180K
- (4) Acer Tablet, Serial Number Unknown
- (5) Cannon Powershot Camera, Serial Number 6428007250
- (6) 4GB Sandisk Memory Card
- (7) Western Digital External Hard Drive, Serial Number WCASU2670745
- (8) 2TB Western Digital Hard Drive, Serial Number WACZA9108772

- c. All such material containing the above-described visual depictions;


4. If any of the above-described forfeitable property, as a result of any act or omission


of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property, pursuant to 21 U.S.C. § 853(p).

A TRUE BILL, this 25 day of April, 2012.


TIMOTHY J. GEAPHY
UNITED STATES ATTORNEY


FOREPERSON